

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ALFREDO RICHARDSON,

Plaintiff,

v.

Case No. 3:19-cv-366-J-34JRK

HAMILTON COUNTY FL, COLUMBIA
COUNTY FL, DEPARTMENT OF
CHILDREN AND FAMILIES, and STATE
OF FLORIDA,

Defendants.

ORDER

THIS CAUSE is before the Court sua sponte. On July 16, 2019, this Court entered an Order directing Plaintiff to show cause by a written response filed on or before August 5, 2019, why the claims raised against Defendants Columbia County Florida, Department of Children and Families, and the State of Florida should not be dismissed without prejudice for failure to prosecute. See Order (Dkt. No. 13). Thereafter, Plaintiff was permitted to file an Amended Complaint and directed to effect service of process upon all Defendants no later than January 31, 2020. See Order (Dkt. No. 28). When Plaintiff once again failed to effect service of process upon all Defendants, the Honorable James R. Klindt, United States Magistrate Judge, entered an Order directing Plaintiff to show cause by March 16, 2020, why it should not be recommended that the claims against Defendants Columbia County Florida, Department of Children and Families, and the State of Florida be dismissed without prejudice for failure to prosecute. See Order to Show Cause (Dkt. No. 36). While Plaintiff did file responses to the orders to show cause

regarding service, see Dkt. Nos. 14 and 42, he failed to effect service of process upon Defendants Department of Children and Families and the State of Florida.

On May 13, 2020, this Court held a hearing with the parties to discuss the status of this matter. See Clerk's Minutes (Dkt. No. 50). During the hearing, the Court directed Plaintiff to file proofs of service as to the Department of Children and Families and the State of Florida on or before May 27, 2020. See id. Plaintiff was advised that if he failed to do so, these Defendants would be dismissed without prejudice for failure to prosecute. As of the date of this Order, Plaintiff has failed to file the proofs of service as to these two Defendants.

Based on Plaintiff's failure to effect service of process, the undersigned concludes that Plaintiff has failed to prosecute his claims against Defendants Department of Children and Families and the State of Florida. Therefore, pursuant to Rule 41(b) and Local Rule 3.10, dismissal of those claims without prejudice is appropriate.¹ See Brown v. Tallahassee Police Dept., No. 06-13131, 205 Fed. Appx. 802, 802 (11th Cir. Nov. 15, 2006). Accordingly, it is hereby

ORDERED:

1. The claims raised against Defendants Department of Children and Families and the State of Florida are **DISMISSED WITHOUT PREJUDICE**.

¹ The Court recognizes that this case is currently stayed. However, the undersigned specifically advised Plaintiff that the stay did not relieve him of his obligation to file the proofs of service.

2. The Clerk of the Court is directed to terminate these Defendants from the Court docket.

DONE AND ORDERED in Jacksonville, Florida this 9th day of June, 2020.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Party